

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD APRIL 21, 2003 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Harry Atherton, Chairman; Mr. Joe Winkelmann, Vice-Chairman; Ms. Sharon McCamy; Mr. Raymond E. Graham; Mr. Larry Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

FAUQUIER COUNTY LEGISLATIVE REPORT

Eldon James, Legislative Liaison, provided an update on the last legislative session in Richmond.

DISCUSSION OF AUTHORITY TO WAIVE A PORTION OF THE CURRENT DELINQUENT TAX PENALTY RELATING TO THE PERSONAL PROPERTY TAX RELIEF ACT (PPTRA)

Elizabeth Ledgerton, Treasurer, discussed the Personal Property Tax Relief Act and cited restrictions in the Code of Virginia relating to the waiver of penalties imposed for delinquent tax payments. The Board directed the County Attorney to seek an opinion from the Office of the Attorney General.

PRESENTATION OF CONCEPTUAL PLAN FOR NORTHERN SPORTS FIELD COMPLEX

Ron Mabry, Project Manager, and Sue Walthrop, Design Engineer from Patton Harris Rust and Associates, presented an amended conceptual plan for the Northern Sports Field Complex and Community Park.

3D MODELING AND ANALYSIS - GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Lori Hertig, GIS Director, demonstrated a computer software program that would enhance the current GIS system by adding three-dimensional modeling and analyses capabilities. The Board concurred that implementation of the software enhancement feature was not cost effective at this time.

REVIEW PROPOSED CHANGES TO THE ORGANIZATIONAL BALANCED SCORECARD

G. Robert Lee, County Administrator, reviewed proposed changes to the Balanced Scorecard. Mr. Winkelmann recommended that the work session be continued until the next regular Board meeting for further review and discussion.

DISCUSSION OF POTENTIAL RE-USE OF THE SHADOWLAWN AND PARKS AND RECREATION ADMINISTRATION BUILDINGS LOCATED ON CULPEPER STREET, WARRENTON

Mr. Winkelmann discussed potential re-use of the Parks and Recreation Administration Office and Shadow Lawn Senior Center buildings, suggesting they be used by the Public Library for expansion of its historical records and genealogical research facilities.

The meeting was reconvened in Regular Session at 6:30 p.m. at Lord Fairfax Community College.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the Agenda with the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Raymond E. Graham; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

- Add Consent Agenda item q, Fauquier County Board of Supervisors Subdivision Street Acceptance Resolution for Millfield Subdivision, Center Magisterial District.
- Add Consent Agenda item r, A Resolution to Amend the FY 2003 Adopted Budget (Capital Fund) in the Amount of \$46,000.
- Remove Regular Agenda item #3, A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Amendment to Section 16-6(12) of the Code of Fauquier County to Permit Swimming in the Public Pools Located Within Any Park in the County, and add as Consent Agenda item #s.
- Accept substitute resolution for Regular Agenda item #4, A Resolution to Amend the October 21, 2002 Board of Supervisors' Proffer Policy to Permit the Acceptance of Conservation Easements.
- Accept substitute resolution for Regular Agenda item #8, Consider Preliminary Subdivision Application (PP03-M-19) – Cannon Ridge Subdivision, Marshall District.

CITIZENS TIME

- Donna Bonzano, Cedar Run District, expressed concern over recent discussions of a possible consolidation of Company 12 and Company 7.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented A Proclamation to Honor James Lawrence in Recognition of Thirty-Eight Years of Distinguished Service to the Citizens of Fauquier County to James Lawrence.
- Mr. Winkelmann presented A Proclamation to Recognize and Commend the Outstanding Services of Public Safety Personnel During the Winter Storm of 2003 to Sheriff Joseph Higgs and Philip Myer, Director of Emergency Services.
- Mr. Winkelmann presented A Proclamation to Designate the Week of May 18-24, 2003 as Emergency Medical Services Week to Philip Myer, Director of Emergency Services.

CONSENT AGENDA

Mr. Winkelmann moved to adopt the following consent agenda items. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

Approval of the Minutes for the March 17, 2003 Regular Meeting and March 25, 2003 Adjourned Meeting of the Fauquier County Board of Supervisors

A Resolution to Update and Re-adopt the Fauquier County Emergency Operations Plan

RESOLUTION

A RESOLUTION TO UPDATE AND RE-ADOPT THE FAUQUIER COUNTY EMERGENCY OPERATIONS PLAN

WHEREAS, the Fauquier County Board of Supervisors is greatly concerned with the health, safety, and well-being of its citizens and desires that the best possible emergency services be available to them; and

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Chapter 3.2 of Title 44 of the Code of Virginia, (1950), as amended, requires that each city and county in the Commonwealth maintain an Emergency Operations Plan (EOP) which addresses its planned response to emergency situations; and

WHEREAS, the proposed updates to the Emergency Operations Plan, last formally adopted by the Board of Supervisors in 1998, have been developed by Fauquier County staff, in coordination with the Virginia Department of Emergency Management, incorporating engagement from responsible local agencies; and

WHEREAS, on December 12, 2002, the Fauquier County Public Safety Committee endorsed the proposed updates to the Emergency Operations Plan; and

WHEREAS, the Virginia Freedom of Information Act was amended in 2001 to specifically exclude Emergency Operation Plans for reasons of security; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the Fauquier County Emergency Operations Plan, to include plans and procedures for both peacetime and war-caused disasters, be, and is hereby, updated and re-adopted; and, be it

RESOLVED FURTHER, That the County Administrator, in his capacity as Director of Emergency Management, and the Chief of the Department of Fire and Emergency Services, in his appointive capacity as Coordinator of Emergency Management, shall exercise due diligence to maintain the EOP as a vital, current and dynamic plan to address all hazards; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, directed to consider the EOP exempt from the Freedom of Information Act for reasons of security.

A Resolution Accepting the Award of Recreational Access Grant Funding for the Northern Sports Field Complex

RESOLUTION

A RESOLUTION TO ACCEPT THE AWARD OF
RECREATIONAL ACCESS GRANT FUNDING FOR THE
NORTHERN SPORTS FIELD COMPLEX

WHEREAS, the Northern Sports Field Complex is owned by Fauquier County and is to be jointly developed by the County of Fauquier and the Fauquier Youth Sports Coordination Council as a recreational facility serving the residents of Fauquier County and adjoining localities; and

WHEREAS, the facility is in need of adequate vehicular and bicycle access; and

WHEREAS, the procedure governing the allocation of Recreational Access Fund, as set forth in Section 33.1-223 of the Code of Virginia, requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access facilities to publicly-owned recreational areas; and

WHEREAS, the Board of Supervisors has duly adopted a zoning ordinance pursuant to Article 8 (Section 15.1-486 et seq.), Chapter 11, Title 15.1 of the Code of Virginia; and

WHEREAS, it appears to the Board of Supervisors that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate the Northern Sports Field Complex as a public recreational facility, and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the Code of Virginia; and

WHEREAS, the right-of-way of the proposed access road and bikeway will be provided by the County of Fauquier at no cost to the Recreational Access Fund; and

WHEREAS, the Board of Supervisors acknowledges that, pursuant to the provisions of Section 33.1-223 of the Code of Virginia, this road and bikeway shall be designated a "Virginia Byway" and recommends the Commonwealth Transportation Board, in cooperation with the Director of the Department of Conservation and Recreation, take the appropriate action to implement this designation; and

WHEREAS, the Board of Supervisors agrees, in keeping with the intent of Section 33.1-63 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road and bikeway; and

WHEREAS, on October 16, 2002, the Commonwealth Transportation Board awarded Recreational Access Funds in the amount of \$310,000 for the Northern Sports Field Complex with a breakdown as follows: Bikeway State funding of \$60,000, and Access Road State funding of \$223,000 plus a State match of \$27,000 = \$310,000 (a local match of \$27,000 to be funded from the current Northern Sports Field Complex allocation brings total Access Road funding to \$337,000); and

WHEREAS, all grants must be accepted by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the County of Fauquier does hereby accept the Recreational Access Grant Award of \$310,000 from the Virginia Department of Transportation to provide an entrance roadway and bikeway to the Northern Sports Field Complex; and, be it

RESOLVED FURTHER, That the Virginia Department of Transportation Recreational Access Grant Award be, and is hereby, accepted and that the County Administrator be, and is hereby, authorized to execute the document; and, be it

RESOLVED FINALLY, That the Supplemental Appropriation in the amount of \$310,000 be, and is hereby, approved.

A Resolution Approving the Conceptual Plan for the Northern Sports Field Complex and Community Park

RESOLUTION

A RESOLUTION APPROVING THE REVISED CONCEPTUAL PLAN FOR THE
NORTHERN SPORTS FIELD COMPLEX AND COMMUNITY PARK

WHEREAS, Fauquier County has employed the services of a professional engineering firm to review and revise the conceptual site plan for the Northern Sports Field Complex and Community Park; and

WHEREAS, said professional engineering firm has worked with project staff and the Ad Hoc Oversight Committee seeking input on proposed changes to the conceptual site plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the revised conceptual plan for the Northern Sports Field Complex and Community Park be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the Ad Hoc Oversight Committee be, and is hereby, directed to move forward with preparation and issuance of the bid(s) for construction of the park; and, be it

RESOLVED FINALLY, That the Ad Hoc Oversight Committee return to the Board of Supervisors a recommendation for award(s) of construction contracts.

A Resolution Authorizing the Revision of Selected Human Resources Policies

RESOLUTION

A RESOLUTION AUTHORIZING THE REVISION OF
SELECTED HUMAN RESOURCES POLICIES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policy Manual is being reviewed for necessary additions, revisions and deletions; and

WHEREAS, a review has been conducted with respect to selected policies; and

WHEREAS, recommended changes are contained in the following policies dated April 21, 2003:

Policy 2I – Inclement Weather

Policy 2J – Leave Donation

; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the revisions made to the Human Resources Policy Manual be approved effective April 21, 2003.

A Resolution to Approve a Memorandum of Understanding to Provide Personnel and Financial Services for the John Marshall Soil and Water Conservation District

RESOLUTION

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING TO PROVIDE FINANCIAL AND PERSONNEL SERVICES TO SUPPORT THE JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT

BE IT RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the Memorandum of Understanding to continue providing personnel and financial services for the John Marshall Soil and Water Conservation be, and is hereby, approved; and, be it,

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign the Memorandum of Understanding on behalf of Fauquier County.

A Resolution to Authorize the County Administrator to Provide Certification of Local Approval of Non-Profit Applicants for the SHARE Federal Grant

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PROVIDE CERTIFICATION OF LOCAL APPROVAL OF NON-PROFIT APPLICANTS FOR THE SHARE FEDERAL GRANT

WHEREAS, a local certification of approval is required by Fauquier Family Shelter Services, Inc. to receive grant funding for the emergency shelter program and transitional housing program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the County Administrator be, and is hereby, authorized to execute the Fiscal Year 2004 Certification of Local Approval for Non-Profit Applicants SHARE Federal Shelter Grant only.

A Resolution to Schedule a Public Hearing to Consider Granting an Easement to Dominion Virginia Power at the Landfill to Provide for the Relocation of Electric Lines and Facilities

RESOLUTION

A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO CONSIDER GRANTING AN EASEMENT TO DOMINION VIRGINIA POWER AT THE LANDFILL TO PROVIDE FOR THE RELOCATION OF ELECTRIC LINES AND FACILITIES

WHEREAS, Fauquier County requires the relocation of power lines at the Corral Farm Landfill and the extinction of the existing easement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That a public hearing be scheduled to consider granting an easement to Dominion Virginia Power for electric services at the Corral Farm Landfill.

Consider Preliminary Subdivision Application (PP03-S-14) – Mary Anne Smith Subdivision, Scott District

No action required.

A Resolution Referring to the Planning Commission a Zoning Ordinance Text Amendment to Section 3-315 to Allow an Abattoir; a Zoning Map Amendment for the Portion of the Property Referenced as PIN #7808-52-4186; and a Waiver of Fees for an Associated Special Exception Application

RESOLUTION

A RESOLUTION REFERRING TO THE PLANNING COMMISSION A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 3-315 TO ALLOW AN ABATTOIR; A ZONING MAP AMENDMENT FOR THE PORTION OF THE PROPERTY REFERENCED AS PIN #7808-52-4186, AND A WAIVER OF FEES FOR AN ASSOCIATED SPECIAL EXCEPTION APPLICATION

WHEREAS, the Fauquier County Board of Supervisors, Planning Commission and Board of Zoning Appeals previously reviewed and approved a series of applications intended to allow the construction and operation of an abattoir with associated retail sales on certain property located at 5177 Ritchie Road; and

WHEREAS, the parcel on which the use was proposed and approved has zoning split between RA/Rural Agriculture and I-1/Industrial, with proffers; and

WHEREAS, it was determined that the line between the two zoning districts on the parcel is shown incorrectly on the County's zoning maps and therefore a portion of the proposed abattoir is actually located on property zoned RA; and

WHEREAS, site constraints related to siting the drainfield require the user to occupy more than one (1) acre of land; and

WHEREAS, the applicants for the abattoir previously paid County filing fees for a special permit and rezoning relying on the incorrect zoning map; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the proposed ordinance amending Section 3-315 to add an abattoir with accessory retail sales in the I-1/Industrial zoning district following special exception approval by the Fauquier County Board of Supervisors and obtaining an approved site plan be, and is hereby, referred to the Fauquier County Planning Commission for appropriate consideration and action; and, be it

RESOLVED FURTHER, That the proposed zoning map amendment shift the zoning line between the RA/Rural Agriculture and I-1/Industrial on the property located at 5177 Ritchie Road so that the portion of the parcel previously considered and approved for the abattoir use is zoned I-1/Industrial; and, be it

RESOLVED FINALLY, That the usual filing fees associated with Zoning Ordinance text amendments, amendments to the Zoning Map and special exceptions be, and are hereby, waived.

Consider Preliminary Subdivision Application (PP03-CR-12) – Myers Subdivision, Cedar Run District

No action required.

Consider Preliminary Subdivision Application (PP03-C-04) – Sterling Valley Subdivision, Center District

No action required.

Consider Preliminary Subdivision Application (PP03-CR-02) – Sycamore Springs Subdivision, Cedar Run District

No action required.

A Resolution to Authorize a Change in the Location of the Fauquier County Board of Supervisors' Regular Meetings

RESOLUTION

A RESOLUTION TO AUTHORIZE A CHANGE IN THE LOCATION OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS' REGULAR MEETINGS

BE IT RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the Board of Supervisors does hereby authorize a change in location for the April 21, 2003, May 19, 2003, June 16, 2003, July 21, 2003, August 18, 2003, September 15, 2003, and October 20, 2003, regularly scheduled meetings to The Barn at Lord Fairfax Community College, 6480 College Street, Warrenton, Virginia.

A Resolution to Authorize Donation of County Surplus Property to the Town of the Plains

RESOLUTION

A RESOLUTION TO AUTHORIZE DONATION OF COUNTY SURPLUS PROPERTY TO THE TOWN OF THE PLAINS

WHEREAS, Fauquier County has purchased and installed a new sound/recording system for use in the Warren Green Meeting Room; and

WHEREAS, the sound/recording system previously used in the meeting room has been removed and placed in surplus property; and

WHEREAS, on behalf of the Town Council, the Mayor of the Town of The Plains is requesting that the Board of Supervisors donate the surplus sound/recording system to the Town for use during its meetings; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the County Administrator be, and is hereby, authorized to donate the surplus sound/recording system to the Town of The Plains.

A Resolution to Establish Cash Drawers for the Pool at Vint Hill Entry Control Unit

RESOLUTION

A RESOLUTION TO ESTABLISH CASH DRAWERS FOR THE POOL AT VINT HILL ENTRY CONTROL UNIT

WHEREAS, cash drawers are an essential element of conducting cash business; and

WHEREAS, an adequate amount of change is necessary for addressing unusual monetary demands by customers; and

WHEREAS, the Finance Department, the County auditors, and the Parks and Recreation Department endorse the use of cash drawers; and

WHEREAS, establishment of these drawers at the Vint Hill Pool Unit is deemed necessary; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That two cash drawers for the Vint Hill Pool Entry Control Unit, each in the amount of \$150, be, and are hereby, authorized for the purpose of providing change to the public, renting pool property, participating in programs and/or purchasing admission tickets and commodities; and, be it

RESOLVED FURTHER, That all financial procedures shall be subject to, and in conformance with, standards prescribed by the County's certified public accounting firm.

Fauquier County Board of Supervisors Subdivision Street Acceptance Resolution for Millfield Subdivision, Center Magisterial District

RESOLUTION

A RESOLUTION TO ACCEPT STREET SUBDIVISION FOR
MILLFIELD SUBDIVISION, CENTER MAGISTERIAL DISTRICT

WHEREAS, certain streets on the site location map entitled "Millfield Subdivision" dated April 10, 2003, and described on Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board of Supervisors these streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation entered into an agreement on February 7, 1995, for comprehensive stormwater detention, which applies to this request for addition; now therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets in the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in the Millfield Subdivision with necessary easements for cuts, fills, and drainage; as recorded in Deed Book 1018, Page 1569, dated April 1, 2003, in Deed Book 519, Page 208, dated April 18, 1986, in Deed Book 849, Page 714, dated September 2, 1999, and in Deed Book 894, Page 123, dated April 5, 2001; and, be it,

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A Resolution to Amend the FY 2003 Adopted Budget (Capital Fund) in the Amount of \$46,000

RESOLUTION

A RESOLUTION TO AMEND THE FY 2003 BUDGET IN THE AMOUNT OF
\$46,000 FOR FAUQUIER HIGH SCHOOL STUDENT LOCKER REPLACEMENT
PROJECT

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget on March 25, 2002; and

WHEREAS, during the course of a fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the School Division has requested transfer from the nearly completed Marshall Middle School Project in the Capital Improvements Program to the Fauquier High School Student Locker Replacement Project; and

WHEREAS, the Finance Committee Policy dated March 5, 2001, requires the Board of Supervisors' approval for any amendments to the Capital Improvements Program; and

WHEREAS, the Finance Committee reviewed this request at its April meeting and recommends approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That \$46,000 be approved for transfer from the Marshall Middle School Project in the Capital Improvements Program to the Fauquier High School Student Locker Replacement Project, and is hereby transferred as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
<u>FY 2003</u>					
CIP Marshall Middle School Project	4-302-94625-9999	\$46,000	School Division	4-302-94605-8210	\$46,000
TOTAL		\$46,000			\$46,000

A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Amendment to Section 16-6(12) of the Code of Fauquier County to Permit Swimming in the Public Pools Located Within Any Park in the County

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO SECTION 16-6(12) OF THE CODE OF FAUQUIER COUNTY TO PERMIT SWIMMING IN PUBLIC POOLS LOCATED WITHIN ANY PARK IN THE COUNTY

WHEREAS, Section 16-6(12) of the Code of Fauquier County currently prohibits swimming, bathing, or wading in any waters or waterways in or adjacent to any park; and

WHEREAS, the Fauquier County Board of Supervisors anticipates the opening of the Vint Hill swimming pool and the Northern Sports Field Complex pool in the near future; and

WHEREAS, the Board of Supervisors wishes to consider the amendment of Section 16-6(12) of the Code of Fauquier County to permit swimming in public pools located in any park; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed resolution amending Section 16-6(12) of the Code of Fauquier County to permit swimming, bathing, or wading in any public pool located in any public park.

A RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2004 BUDGET

Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2004 BUDGET

WHEREAS, it is the responsibility of the Fauquier County Board of Supervisors to approve and control the County's Fiscal Plan for Fiscal Year 2004; and

WHEREAS, on March 25, 2003, the Board of Supervisors adopted the Fiscal Year 2004 County Budget; and

WHEREAS, it is the intent of the Board of Supervisors that departments and agencies shall adhere to the funds appropriated in accordance with departmental budgets presented by the County Administrator and adjusted by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That local tax supported appropriations of the School Division's overall budget of \$92,314,557 shall not exceed \$61,326,661; and, be it

RESOLVED FURTHER, That the following appropriations be, and are hereby, approved effective July 1, 2003, as set forth below; and, be it

RESOLVED FINALLY, That all financial activities, purchases, travel, personnel actions, etc., shall be in accordance with the policies and procedures established by the Board of Supervisors and administered by the County Administrator.

FY 2004 APPROPRIATED BUDGET

Appropriated

GENERAL FUND

General Government

Board of Supervisors	\$395,285
Commissioner of the Revenue	\$1,035,454
County Administration	\$487,626
County Attorney	\$502,335
Finance	\$1,435,325
Independent Auditor	\$70,962
Information Technology	\$1,053,330
Budget Office	\$247,753
Human Resource Management	\$558,421
Geographic Information System	\$173,659
Registrar	\$282,368
Treasurer	<u>\$877,767</u>
Subtotal	\$7,120,283

Judicial Administration

Adult Court Services	\$512,430
Circuit Court	\$118,722
Clerk of the Circuit Court	\$807,993
Commissioner of Accounts	\$2,400
Commonwealth's Attorney	\$681,607
General District Court	\$12,220
Juvenile & Domestic Relations Court	\$53,543
Magistrates	<u>\$57,072</u>
Subtotal	\$2,245,987

Public Safety

Detention Center	\$492,000
CFFW Regional Facility	\$635,563

Juvenile Detention	\$268,835
Juvenile Probation	\$83,190
Sheriff	<u>\$6,965,027</u>
Subtotal	\$8,444,615

Public Works

Environmental Services - Convenience Sites	\$1,377,889
General Services	<u>\$2,868,878</u>
Subtotal	\$4,246,767

Health and Welfare

Community Services Board	\$192,987
Comprehensive Services Act	\$2,321,230
Institutional Care	\$137,525
Public Health	\$377,116
Social Services	<u>\$3,442,905</u>
Subtotal	\$6,471,762

Culture and Education

Lord Fairfax Community College	\$44,366
Library	<u>\$1,497,787</u>
Subtotal	\$1,542,153

Community Development

Agriculture Development	\$117,999
Community Development	\$1,761,359
Contributions	\$439,981
Economic Development	\$361,929
Extension Office	\$146,659
John Marshall SWCD	\$266,066
Planning Commission/BZA	<u>\$127,849</u>
Subtotal	\$3,221,842

Non-Departmental

Debt Service	\$1,398,677
Hospital Hill Property	\$120,431
Non-Departmental	<u>\$1,823,382</u>
Subtotal	\$3,342,490

Transfers

Capital Improvements Fund	\$1,266,553
W-F Joint Communications Center	\$175,127

Airport Enterprise Fund	\$35,308
School Division	\$61,326,661
Parks & Recreation	<u>\$1,559,072</u>
Subtotal	\$64,362,721

Total General Fund **\$100,998,621**

OTHER FUNDS

Airport Enterprise Fund

Airport	\$5,881,258
Subtotal	\$5,881,258

Environmental Services

Environmental Services	\$5,809,401
Subtotal	\$5,809,401

Internal Services Fund

Fleet Maintenance	\$1,776,108
Subtotal	\$1,776,108

Parks and Recreation Fund

Parks and Recreation	\$1,919,163
Subtotal	\$1,919,163

School Division Fund

School Operating	\$82,423,001
School Debt Services & Transfers	\$9,891,556
Subtotal	\$92,314,557

School Food Service Fund

School Food Service	\$3,198,193
Subtotal	\$3,198,193

Volunteer Fire and Rescue Fund

Volunteers	\$2,629,333
Emergency Operations Service	\$1,415,270
Subtotal	\$4,044,603

Warrenton-Fauquier JCC Fund

Joint Communications Center	\$1,112,168
Subtotal	\$1,112,168

Capital Fund

New Middle School	\$4,227,000
C. Thompson Elementary School Renovations	\$1,572,000
P.B. Smith Elementary Water Connection	\$135,600
HVAC - County	\$21,700
HVAC - Schools	\$525,000
Roofs - County	\$51,819
Roofs - Schools	\$578,400
Student Lockers - Schools	\$230,691
Technology - Schools	\$1,219,300
Technology - County	\$238,703
Comprehensive Maintenance - Schools	\$496,688
Comprehensive Maintenance - County	\$274,000
Comprehensive Maintenance - P&R	\$120,000
School Buses	\$400,000
Sheriff's Vehicles	\$337,400
Minor System Replacement - Schools	\$52,839
Food Service Equipment Replacement - Schools	\$52,839
Middle School Reserve	\$162,931
Textbooks	\$317,901
Water Evaluation	\$60,000
Purchase of Land Development Rights	\$100,000
Subtotal	\$11,174,811
 TOTAL ALL FUNDS	 \$228,228,883
<i>Less County Transfer</i>	<i>(\$64,362,721)</i>
TOTAL COUNTY EXPENDITURES	\$163,866,162
<i>Less Other Funds Internal Transfers*</i>	<i>(\$4,009,258)</i>
ADJUSTED TOTAL COUNTY	\$159,856,904

*School Division Transfer to the Capital Fund

FY 2003 Revenues

LOCAL REVENUE

General Property Taxes

Real Estate Tax	\$47,718,760
Public Service	\$3,163,000
Personal Property Tax	\$11,613,000
Delinquent Real Estate Tax	\$750,000
Delinquent Personal Property Tax	\$620,000
Penalties - Real Property - All	\$650,000
Interest - All	<u>\$400,000</u>
Subtotal	\$64,914,760

Other Local Taxes

Sales Tax (Local)	\$5,400,000
Utility Tax	\$1,900,000
Utility Tax - Cellular Phone	\$280,000
Utility Consumption Tax	\$150,000
BPOL Tax	\$870,000
Cable TV Tax	\$135,000
Auto Decals	\$1,405,000
Bank Stock Tax	\$152,600
Recording Tax & Fees (Deeds)	\$1,100,000
Recording Tax & Fees (Wills)	<u>\$10,000</u>
Subtotal	\$11,402,600

Permits, Fees, and Licenses

Dog Tags	\$5,000
Land Use Fees	\$17,000
Transfer Fees	\$2,800
Concealed Weapon Permits	\$1,500
Community Development Fees	<u>\$1,173,565</u>
Subtotal	\$1,199,865

Fines and Forfeitures

Local Fines	\$350,000
Court Judgement Proceeds	\$4,000
Interest On Local Fines	<u>\$3,500</u>
Subtotal	\$357,500

Use of Money and Property

Interest Income General Fund	\$870,000
Interest Income Bonds	\$174,000
Sale of Equipment/Vehicles	\$23,000
Rental Of County Property	\$10,779
Rental Health Department	\$30,772
Rental Hospital Hill Property	<u>\$306,580</u>
Subtotal	\$1,415,131

Charges for Services

Excess Fees	\$350,000
Sheriff Fees	\$3,742
Police Reports	\$50
Detention Fee	\$1,000
Confiscated Vehicle Storage Fees	\$50
Welfare and Social Services Fees	\$3,144

Law Library Fees	\$15,000
Local Cost	\$400
Inmate Processing Fee	\$3,000
Commonwealth's Attorney Fees	\$1,500
Library Fees	\$50,000
Sale of Maps, Plats, etc.	\$100
Sale of Commissioner of the Revenue GIS Maps	\$1,700
Sales of Tax Maps	\$5,000
Sales of GIS Maps	\$16,500
Sales of Computer Lists and Files	<u>\$1,650</u>
Subtotal	\$452,836

Miscellaneous	\$92,125
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Recovered Costs

Other Government Charges	\$10,500
Jail Boarding - Other Governments	\$2,500
Work Release	\$60,000
Canteen Medical Reimbursement	\$3,000
Other Costs	\$3,004
Home Incarceration Fees	\$35,000
Miscellaneous	<u>\$375</u>
Subtotal	\$114,379

Total Local Revenue	\$79,949,196
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STATE REVENUE

Non-Categorical Aid

ABC Profits	\$27,895
Wine & Spirits Tax	\$29,239
Rolling Stock Tax	\$64,881
Mobile Home Titling Tax	\$26,449
Rental Car Tax	\$20,499
Personal Property Tax Relief Act	<u>\$12,087,000</u>
Subtotal	\$12,255,963

Categorical Aid

Shared Expenses

Commonwealth's Attorney	\$306,842
Sheriff	\$2,871,756
Commissioner of the Revenue	\$165,208
Treasurer	\$156,734
Medical Examiner	\$500

Registrar	\$63,893
Clerk of the Court	\$375,720
Adult Confinement - Detention	<u>\$143,030</u>
Subtotal	\$4,083,683

Welfare

Social Services	\$667,422
Comprehensive Services Act	<u>\$1,164,675</u>
Subtotal	\$1,832,097

Other Categorical Aid

Recordation Tax	\$444,304
Library Aid	\$198,645
Commissioner of the Arts	\$5,000
Jury Duty Reimbursement	\$25,000
Adult Court Services - Pretrial	\$169,352
Comprehensive Community Corrections	\$182,784
VA Juvenile Community Crime Control	\$51,748
Miscellaneous	<u>\$29,735</u>
Subtotal	\$1,106,568

State Revenue Reduction Reserve	(\$100,000)
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Total State Revenue	\$19,178,311
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FEDERAL REVENUE

Categorical Aid

Welfare Administration	\$1,854,414
Public Safety	<u>\$15,000</u>
Subtotal	\$1,869,414

Intergovernmental	\$1,700
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Total Federal Revenue	\$1,869,414
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Total General Fund	\$100,998,621
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Other Funds

Fire and Rescue Fund	\$4,044,603
Parks & Recreation	\$1,930,779
Warrenton-Fauquier Joint Comm. Fund	\$1,112,168
Environmental Services	\$5,809,401
School Division Fund	\$92,314,557
School Cafeteria Fund	\$3,198,193
Airport Enterprise Fund	\$5,881,258

Capital Improvements Fund	\$11,174,811
Internal Services - Fleet Maintenance	<u>\$1,776,108</u>
Total Other Funds	\$127,241,878
 TOTAL ALL FUNDS	 \$228,240,499
<i>Less Local Support</i>	<i>(\$64,374,337)</i>
TOTAL COUNTY REVENUES	\$163,866,162
<i>Less Other Funds Internal Transfers*</i>	<i>(\$4,009,258)</i>
ADJUSTED TOTAL COUNTY	\$159,856,904

*School Division Transfer to the Capital Fund

A RESOLUTION TO AMEND THE OCTOBER 21, 2002 BOARD OF SUPERVISORS' PROFFER POLICY TO PERMIT THE ACCEPTANCE OF CONSERVATION EASEMENTS

Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE OCTOBER 21, 2002, BOARD OF SUPERVISORS PROFFER POLICY TO PERMIT THE ACCEPTANCE OF CONSERVATION EASEMENTS

WHEREAS, on October 21, 2002, the Board of Supervisors adopted a proffer policy detailing the nature and type of proffers which may be accepted by the Board of Supervisors in order to offset or alleviate the impact of a proposed rezoning; and

WHEREAS, that proffer policy permits the Board of Supervisors to accept donations of cash and land where the donations are reasonably related to or arise out of the impact of a proposed rezoning; and

WHEREAS, the Board of Supervisors wishes to clarify its proffer policy by adding provisions which expressly permit the acceptance of conservation easements restricting development of land outside of service districts as a means of alleviating the impact of a proposed rezoning within a service district; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the following revisions to the October 21, 2002 Board of Supervisor's Proffer Policy be, and are hereby, referred to the Planning Commission for its review and comment:

A.1. Pursuant to this policy, staff will (i) calculate the annual net cost of public facilities, (ii) calculate the fiscal impact of a rezoning request that permits residential uses, and (iii) administer the collection and expenditure of proffered funds. The Board will accept cash proffers for rezoning requests that permit residential uses in accordance with this policy. However, the Board may also accept cash, land, conservation easements or in-kind improvements in accordance with county and state law. Staff will provide a recommendation for a maximum proffer based upon this policy.

B.3. In some instances, a rezoning applicant may wish to diminish the development's calculated impact on public facilities by dedicating property, ~~or~~ doing in kind improvements or dedicating conservation easements limiting development on other properties within the rezoning impact area, in lieu of all or a portion of the cash proffer. The value of the donated land generally will be based on the current assessed value of the property, not to exceed the cost per acre used in the calculation of the proffer (not the estimated value after rezoning). The value of a dedication conservation easement will generally be the total number of development units lost to easement times the value of a development unit as set by the County's Purchase of Development Rights Program. The form and content of any deed or conservation easement along with the entity to which the easement will be transferred will be subject to the approval of staff and final acceptance by the Board of Supervisors. [remainder of Subsection 3 not modified]

B.5. Payment of the cash proffer for residential development must occur prior to release of a building permit. Timing for dedication of property, conservation easements, or in-kind improvements should be specified in the proffer statement.

A RESOLUTION TO APPROVE THE SETTLEMENT OF THAT PARTICULAR LITIGATION STYLED COUNTY OF FAUQUIER, ET AL. V. JOYCE ANN HALEY THOMAS, ET AL, LAW NO. 98-389

Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

**A RESOLUTION TO APPROVE THE SETTLEMENT OF THAT PARTICULAR LITIGATION STYLED COUNTY OF FAUQUIER, ET AL.
V. JOYCE ANN HALEY THOMAS, ET AL., LAW NO. 98-389**

WHEREAS, Fauquier County and the Town of Warrenton are currently engaged in that certain litigation styled County of Fauquier, et al. v. Joyce Ann Haley Thomas, et al., Law No. 98-389; and

WHEREAS, said litigation is for the purpose of ascertaining that just compensation be paid for the property taken by the localities as part of the Rails-to-Trails Project; and

WHEREAS, the parties propose to settle said litigation on the hereinafter set forth terms; and

WHEREAS, by the adoption of this resolution, the Board of Supervisors has determined it is in the best interest for Fauquier County to settle the present litigation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the County Administrator and County Attorney be, and are hereby, authorized to settle that certain litigation styled County Of Fauquier, et al. v. Joyce Ann Haley Thomas, et al., Law No. 98-389, on the following terms and conditions:

- 1) Payment of \$25,000 to be shared equally between the Town of Warrenton and Fauquier County; and
- 2) Grant of a 50' wide easement from the property to Washington Street; and
- 3) Grant of a 3-lot subdivision for single-family residences;

and, be it

RESOLVED FURTHER, That such settlement shall include a provision that the actual roadbed for the private road to serve the subdivision parcels shall be no greater than that presently existing, or that which is required by the Town's zoning or subdivision ordinance; and, be it

RESOLVED FINALLY, That the funds necessary to pay the County's share of the settlement shall be taken from the County's reserve for contingencies.

A RESOLUTION TO DETERMINE COMPENSATION FOR MEMBERS OF THE BOARD OF SUPERVISORS AND PLANNING COMMISSION EFFECTIVE JANUARY 1, 2004

Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was 4 to 1, as follows:

<i>Ayes:</i>	<i>Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>Mr. Harry Atherton</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO DETERMINE COMPENSATION FOR MEMBERS OF THE
BOARD OF SUPERVISORS AND PLANNING COMMISSION
EFFECTIVE JANUARY 1, 2004

WHEREAS, the Code of Virginia provides that, prior to July 1 of the year in which at least half of the Board of Supervisors are elected, the current Board may, by a recorded vote of the majority, establish compensation levels for Board of Supervisors members and officers, which shall become effective on January 1st of the following year; and

WHEREAS, the Code of Virginia provides that the Board of Supervisors may, by a recorded vote of its members, establish the compensation levels for members of the Planning Commission and officers; and

WHEREAS, the Board of Supervisors has determined that an adjustment to the base compensation rates of Board of Supervisors members and Planning Commissioners, to become effective January 1, 2004, is necessary and appropriate; and

WHEREAS, the Board of Supervisors has determined that the level of adjustment should be based on the average pay adjustment funded for County employees for the four fiscal years which constitute the current Board of Supervisors term, and that the previously established leadership increments shall remain unchanged; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the Fauquier County Board of Supervisors does hereby determine that the annual compensation for the Board of Supervisors shall be set, effective January 1, 2004, at \$23,500 for members, \$25,500 for the Vice-Chairman and \$27,500 for the Chairman, as well as the fringe benefits which are provided by the Board for County employees and reimbursement for actual expenses incurred in the performance of their duties; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby determine that the annual compensation for the Planning Commission shall be set, effective January 1, 2004, at \$14,000 for members, \$15,300 for the Vice-Chairman and \$16,400 for the Chairman, as well as reimbursement for actual expenses incurred in the performance of their duties.

A RESOLUTION TO WAIVE ZONING ORDINANCE SECTION 7-302.1.B TO ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET, SCOTT DISTRICT

Mr. Weeks moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO WAIVE ZONING ORDINANCE SECTION 7-302.1.B TO
ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO
A STATE MAINTAINED STREET

WHEREAS, Russell and Mary Culver, applicants, are seeking a waiver to Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a state maintained street; and

WHEREAS, the applicants wish to submit a family transfer division application to divide their five (5) acre parcel, identified as PIN #7916-02-8771-000, with access via a fifty-foot (50') easement to Culver Drive, into two (2) lots to create lots for their children; and

WHEREAS, Culver Drive is an existing private street that connects directly to Broad Run Church Road (Route 600), a state maintained street; and

WHEREAS, only two (2) family transfer lots may be created from the five (5) acre parcel; and

WHEREAS, on March 27, 2003, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That Zoning Ordinance Section 7-302.1.B be, and is hereby, waived to permit Russell and Mary Culver to create two (2) family transfer divisions on the above-referenced parcel on a private street that does not connect directly to a state maintained street.

CONSIDER PRELIMINARY SUBDIVISION APPLICATION (PP03-M-19) – CANNON RIDGE SUBDIVISION, MARSHALL DISTRICT

Mr. Atherton moved to table a decision to consider preliminary subdivision application #PP03-M-19 until after the conclusion of a public hearing to receive public comment on special exception application #SE03-M-19 for Cannon Ridge Subdivision. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Library Board, Center District Representative – Kathie Wilson, re-appointed with a term to expire June 21, 2006
- Local Workforce Investment Board – Harry Atherton, with a term to expire December 31, 2003
- Warrenton-Fauquier Airport Committee - Raymond E. Graham, to fill an unexpired term ending December 31, 2003
- Finance Committee, Chairman – Raymond E. Graham, to fill an unexpired term ending December 31, 2003

SUPERVISORS TIME

- Mr. Winkelmann expressed his concern over a letter he had received regarding use of open space from Citizens of Fauquier County, which he felt contained misinformation.
- Ms. McCamy stated that Congresswoman Jo Ann Davis had attended the Town of Remington regular Town Hall meeting and announced a revised flood plain review for that area has been requested.
- Mr. Atherton announced that Elsie McCarty, wife of Jack McCarty who was a former Marshall District Supervisor, died Sunday, April 20, 2003, after having lived for over 100 years.

ANNOUNCEMENTS

Mr. Lee had no announcements.

A RESOLUTION TO AMEND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$2,010,201

A public hearing was held to consider various budget related issues in the amount of \$1,864,172 in appropriations and \$146,029 in transfers totaling \$2,010,201. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$2,010,201

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2002, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2003 appropriations of \$2,010,201 for the purposes set forth below; and

WHEREAS, during the FY 2004 budget review process, the Board of Supervisors indicated its intent to use General Fund Balance to support \$732,397 for the Northern Sports Complex Swimming Pool Project and \$500,000 for the Catlett-Calverton Water/Sewer Project; and

WHEREAS, on April 21, 2003, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the FY 2003 Budget be, and is hereby, amended in the amount of \$1,864,172 in appropriations and \$146,029 in transfers totaling \$2,010,201 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<u>FY 2003</u>					
Federal Funds	3-100-331000-0171	\$4,043	Sheriff's Office	4-100-031200-6011	\$4,043
State Funds	3-100-244100-0150	\$9,072	Sheriff's Office	4-100-031240-8201	\$9,072
Federal Funds	3-100-331000-0040	\$187	Sheriff's Office	4-100-031230-8201	\$187
State Funds	3-100-244100-0145	\$2,268	Commonwealth's Attorney	4-1000-22110-5879	\$2,268
Federal Funds	3-100-33100-0010	\$4,725	Adult Court Services	4-100-021720-5540	\$4,725
State Funds	3-100-TBD	\$15,000	County Administration – Contribution	4-100-081600-5656	\$15,000
State Funds	3-302-244500-0026	\$310,000	Parks & Recreation	TBD	\$310,000
Contingency Reserve	4-100-091400-9618	\$200,850	Parks & Recreation	4-302-94710-8215	\$200,850
Local Funds	3-100-133000-0043	\$71,409	Community Development	4-100-081200-1302	\$71,409
Transfer	4-205-061100-1000	\$100,000	School Division	4-302-94200-6101	\$100,000
Transfer	4-100-051100-5610	\$12,000	Library	4-302-94841-8215	\$12,000
Transfer	3-150-512710-0001	\$15,960	Parks & Recreation	4-150-512200-1302	\$334
	3-150-512760-0002	\$13,669		4-150-512200-2100	\$26
	3-150-512200-0013	\$3,555		4-150-512200-6015	\$2,000
	3-150-512200-0056	\$95		4-150-512200-6007	\$100
	3-150-512110-0056	\$750		4-150-512710-1302	\$3,032
Contingency Reserve	4-100-091400-9618	\$14,221		4-150-512710-2100	\$232
				4-150-512710-3310	\$25
				4-150-512710-3600	\$800
				4-150-512710-5230	\$180
				4-150-512710-6001	\$200
				4-150-512710-6011	\$100
				4-150-512710-6047	\$4,750
				4-150-510110-1302	\$4,816
				4-150-510110-2100	\$368
				4-150-510110-6011	\$50
				4-150-512110-1302	\$54
				4-150-512110-2100	\$4
				4-150-512110-3160	\$320
				4-150-512110-3200	\$15,749
				4-150-512110-3310	\$50
				4-150-512110-5110	\$1,500
				4-150-512110-5130	\$3,000
				4-150-512110-5230	\$90
				4-150-512110-6004	\$3,000
				4-150-512110-6007	\$1,850
				4-150-512110-6013	\$50
				4-150-512110-6047	\$600
				4-150-512670-1302	\$1,844
				4-150-512670-2100	\$141
				4-150-512670-3160	\$300
				4-150-512670-3200	\$1,524
				4-150-512670-3600	\$75

				4-150-512670-5420	\$450
				4-150-512670-5510	\$28
				4-150-512670-6001	\$45
				4-150-512670-6002	\$338
				4-150-512670-6013	\$225
Fund Balance	3-100-419000-0010	\$732,397	Budget Office	4-302-TBD	\$732,397
Fund Balance	3-100-419000-0010	<u>\$500,000</u>	Budget Office	4-310-44400-3140	<u>\$507,823</u>
TOTAL		\$2,010,201			\$2,010,201

#SER03-M-02 – THE SALAHİ FAMILY LIMITED PARTNERSHIP, OWNER / APPLICANT – OASIS WINERY

A public hearing was held to consider an application to obtain special exception renewal under Category 9, which would allow for the continuation of a winery with spectator and non-spectator field events and activities (Class C). The property is located on the south side of Hume Road (Route 635), in Marshall District, further identified as PIN #5998-87-0439-000 and PIN #5998-88-4344-000. Rick Carr, Director of Community Development, gave a summary of the application. Phil Strother, Esquire, representing the Salahi family, requested approval of the special exception renewal application #SER03-M-02, with proposed modifications. Tareq Salahi, and Corinne Salahi, owners/applicants, requested favorable consideration of the modified application for special exception renewal. John Douglass, Michael Holt, Dan Neja, Gordon Murchie, Richard Zweber, Barbara Groshand, Debra Ferguson, and Lydia Ferguson, of Marshall District, Mike Mountain, proprietor of Outback Steak House, and Lanier Café of Marriott Ranch, spoke in favor of the application. David Wilson, Lindy Hart, Bob Pender, Mary Painter, Carol Scott, Judy Hinsdale, William Duvall, Ellen Usury, Stacy Fromwiller, Chuck Akre, Lila Layton, Sandy Thomas, Jim Conaway, Charles Blough, Cary Sklar, Austin Bach, Matt Smith, Drew Smith, Sue Lipsey, Joel Nathan, Paul Smith, and Chuck Bowers, of Marshall District, Richard Robison, of Center District, David Arnold, Lesley Arnold, Ronald Stolk, and Ruth Stolk, of Rappahannock County, Jim Law, proprietor of Linden Vineyards, Bob Harper, proprietor of Naked Mountain Vineyards, and Douglas Sitka, of Virginia Wine Growers Association, spoke in opposition to the modifications contained in the special exception renewal application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Ms. McCamy moved to amend to the motion by delaying action. Mr. Weeks seconded, and the vote for the amended motion was 3 to 2, as follows:

Ayes: ***Ms. Sharon McCamy; Mr. Larry L. Weeks***
Nays: ***Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham***
Absent During Vote: ***None***
Abstention: ***None***

Mr. Atherton moved the to amend the original motion, by amending Condition 27 of Special Exception Renewal SER03-M-02, to extend the limit for a period of three (3) years, with one (1) year administrative renewals for two (2) years thereafter. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Mr. Atherton returned to the main motion as amended, and moved to adopt the following resolution. The vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION APPROVING SER03-M-02: RENEWAL OF A CATEGORY 9 SPECIAL EXCEPTION TO CONTINUE CERTAIN OUTDOOR RECREATIONAL OPERATIONS AT OASIS WINERY, SALAHY FAMILY LIMITED PARTNERSHIP, APPLICANT

WHEREAS, since 1999, the applicant has had a Special Exception allowing certain outdoor recreational activities at the Oasis Winery; and

WHEREAS, in April of 2000, the most recent renewal of this Special Exception was granted by the Board of Supervisors, subject to certain conditions; and

WHEREAS, in April of 2003, the current Special Exception expires; and

WHEREAS, the applicant has requested a renewal of the current Special Exception along with modifications to the conditions imposed at the last renewal; and

WHEREAS, the Planning Commission has conducted a public hearing and reviewed public testimony on the applicant's request; and

WHEREAS, the Planning Commission has concluded that the existing conditions are reasonable and have contributed to the successful implementation of the current Special Exception; and

WHEREAS, the Planning Commission has further found that the type and amount of traffic generated by the proposed use is such that it will not cause undue impact on the neighbors or adversely affect the safety of Hume Road (Route 635) provided that the events continue to follow the conditional limitations on time, duration and attendance currently imposed; and

WHEREAS, the Planning Commission has recommended to the Board of Supervisors that the renewal of current Special Exception be approved with no changes to the existing conditions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That SER03-M-02: Renewal of a Category 9 Special Exception to Continue Certain Outdoor Recreational Operations at Oasis Winery be, and is hereby, approved subject to the following finding and continuing conditions:

Finding:

The Board of Supervisors finds that the type and amount of traffic generated by the proposed use is such that it will not cause undue impact on the neighbors or adversely affect the safety of Hume Road (Route 635) provided that the Class C events and Open Houses follow the conditional limitations on attendance found below.

Conditions:

General

1. Under this special exception, the Class C uses for this property shall be limited to the following: arts and crafts shows; family reunions; wedding ceremonies and receptions and similar receptions; picnics, barbecues, and other similar activities such as wine tasting dinners and wine tasting lunches; corporate retreats; education seminars; and community-related arts, cultural, and educational activities.
2. When conducting a Class C event with fewer than 150 cumulative attendees, the property and winery may be open to the general public for an open house. The winery also may be open to the general public prior to the beginning or after the end of any Class C event with more than 150 cumulative attendees, on the condition that those on the grounds at the start of the event are included in the cumulative numbers. The one exception is that the property and winery shall not be open to the general public on the day of Class C events with up to 600 cumulative attendees.
3. No more than two Class C events may be held in one day; provided, however, that Class C events may not be held simultaneously, and provided further that total cumulative Class C attendees shall not exceed the maximum of 600 permitted hereunder.
4. Only structures and facilities at the winery and on the property existing on the Special Exception Plat, the stone patios and decks, and the grass area adjacent to the pond may be used for permitted Class C events.

Wine Tasting Lunches and Dinners

5. Prearranged wine tasting lunches (weddings not included) with up to 150 cumulative attendees shall be allowed between the hours of 11:00 A.M. and 3:00 P.M.
6. Up to 12 per month prearranged wine tasting dinners (weddings not included) with up to 150 cumulative attendees shall be allowed between the hours of 6:00 P.M. and 10:00 P.M. A wine tasting dinner held on New Year's Eve may exceed these time limits.

Class C events (Other than Wine Tasting Lunches and Dinners)

7. Up to 12 events (including weddings) per year with up to 300 cumulative attendees permitted on the property shall be allowed between the hours of 10:00 A.M. and 11:00 P.M., provided that all outdoor non-amplified music shall cease no later than 10:00 P.M. Event preparation and breakdown shall cease by 11:00 P.M.
8. Four events scheduled for one distinct day, between the hours of 10:00 A.M. and 5:00 P.M., with up to 600 cumulative attendees permitted on the property, shall be allowed on Memorial Day, Fourth of July, Labor Day, and Oktoberfest weekends. No other Class C event shall be scheduled for that day, nor shall the winery be open to the general public.
9. The winery shall keep records of attendance at all Class C events and shall make such records available to the Zoning Administrator upon request. For Class C events described in Conditions 7 and 8, the winery shall issue numbered admittance tickets for all attendees and shall keep a record at the front gate which can be made available for inspection during the event, upon request by the Fauquier County Zoning Administrator or designee.

Music

10. Only non-amplified music shall be permitted outdoors. Instruments shall not employ electronic amplification. All other music, including recorded music, must be played within an enclosed, sound proofed, permanent structure (this does not include a tent) with closed windows and doors, except otherwise provided in these conditions. Such enclosed structure shall be either the existing winery building or the existing open frame shed renovated with walls. The existing winery building may be expanded as far as the existing concrete patio but shall not be expanded to include the new deck or paved areas identified on the Special Exception Plat.
11. Sound levels shall not exceed 60 dB at all property lines for:
12. Outdoor wedding ceremonies permitted in Condition 7 which may have traditional, non-amplified, wedding music;
13. Wine tasting lunches and wine tasting dinners and other events permitted in Conditions 5, 6 and 7 may have outdoor, non-amplified, music on the existing patio, tent pad and deck areas; and
14. The four one-day Class C events described in Condition 8 which may have outdoor, non-amplified, music between the hours of 10:00 A.M.-5:00 P.M.

Notice

15. For all Class C events, the winery shall provide the Zoning Administrator with notice in accordance with Zoning Ordinance provisions.
16. For all Class C events in Conditions 7 and 8, the winery shall provide notice to all neighbors requesting such notice within a three-mile radius. The neighbors are

responsible for informing the winery on an annual basis of their desire to be notified and must provide an address for notification.

Miscellaneous

17. There shall be no fireworks displays.
18. There shall be no helicopter or other aircraft rides permitted in connection with Class C events.
19. Hot air balloon rides are permitted at Class C events two times per year, provided that such events are held between the months of April and October, inclusive.
20. Fire extinguishers meeting State and Federal standards shall be maintained at all buildings and facilities at the winery and on the property used for Class C events.
21. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of fires, and the grass height in any parking area shall not exceed that as approved by the Director of Emergency Services.
22. The winery shall employ sufficient persons to facilitate the parking of vehicles, to keep track of the number of attendance, and to control those in attendance.
23. All on-site parking, entrances, and physical improvements shall comply with the County's site plan regulations. Entrances shall comply with VDOT requirements.
24. All lighting shall comply with the County's lighting ordinance. Parking illumination shall be limited to ground lighting.
25. The winery shall conform at all times to the Health Department regulations regarding sewage facilities, food service, hand washing facilities and wells.
26. The winery shall add no additional facilities or wine tasting facilities, nor expand existing wine tasting facilities beyond those identified in the special exception plat, except those described in Conditions 4 and 10, without obtaining a new or amended special exception.
27. The special exception shall be limited as permitted by Section 5-008 of the Fauquier County Zoning Ordinance to a period of three (3) years from the date of approval, but may be extended on an annual basis by the Zoning Administrator in accordance with the provisions of Section 5-012 of the Zoning Ordinance for two (2) annual extensions, a total of five (5) years. Thereafter, the special exception must be renewed in accordance with Section 5-013 of the Zoning Ordinance. The Zoning Administrator shall notify the Board of Supervisors at least thirty (30) days prior to renewing the special exception.

#SE03-C-11 – GEORGE C. & HELEN F. ELMORE, OWNER, AND BECHTEL TELECOMMUNICATIONS – A T & T WIRELESS SERVICE, INC.

A public hearing was reconvened from March 17, 2003, in order to give further consideration to an application for special exception approval under Category 20, which

would allow for the construction of a 110-foot monopole, antennas, and related equipment. The property contains 55.5 acres and is located at the end of Elmores Lane, south of Dumfries Road (Route 605), in Center District, further identified as PIN #7904-15-6717-000. Rick Carr, Director of Community Development, provided a brief summary of the application details. Terry Cook, representing AT&T Wireless Service, Inc., spoke on behalf of the applicant and requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SE03-C-11, A TO ALLOW FOR THE CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY AND COMPOUND, AT&T WIRELESS SERVICE, INC., APPLICANT, GEORGE C. & HELEN F. ELMORE, OWNERS

WHEREAS, AT&T Wireless (Applicant) and George and Helen Elmore (Owners) have applied for a Special Exception to construct a 110-foot monopole communications tower on the property identified by PIN #7904-15-6717-000; and

WHEREAS, the special exception application has been properly filed and all required notices of the public hearing have been properly made; and

WHEREAS, the applicant has conducted the required balloon tests and provided the required documentary evidence in support of the proposed special exception; and

WHEREAS, the applicant has demonstrated that the proposed tower height and location will provide significantly improved wireless coverage for the proposed service area; and

WHEREAS, the applicant has also demonstrated that there are no tower co-location opportunities available that would alter the technical justification for this proposed tower; and

WHEREAS, the applicant has stipulated certain conditions of development that will diminish any negative impacts on the community; and

WHEREAS, Atlantic Technology Consultants, Inc., the County's Telecommunication Consultant, has reviewed the location, height, co-location opportunities, and technical justification for the proposed tower; and

WHEREAS, Atlantic Technology Consultants concurs with the applicant's design, justification, and development conditions and has recommended approval of the proposed tower; and

WHEREAS, the Fauquier County Planning Commission has conducted a public hearing and has reviewed both public testimony and the technical justification for this tower; and

WHEREAS, on January 7, 2003, the Planning Commission voted to forward SE03-C-11 to the Board of Supervisors with a recommendation of approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That SE03-C-11, to allow for the construction of a 110-foot monopole, telecommunications facility and compound on \pm 55.5 acres, further identified as PIN #7904-15-6717-000, AT&T Wireless Service, Inc., applicant, George C. & Helen F. Elmore, owners, be, and is hereby approved, subject to the following conditions:

1. This Special Exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any plans submitted pursuant to this Special Exception shall be in conformance with the Special Exceptions Exhibits submitted by AT&T Wireless Services, LLC, Site Number: 005-009-Elmores Raw Land as prepared by Centrex Communications Services, Inc., dated September 20, 2002, and these conditions.
2. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
3. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on Special Exception plat approved with the application, as qualified by these development conditions.
4. The use shall comply with Federal Aviation Administration (FAA) and Federal Communications Commission requirements at all times.
5. This approval is for a monopole tower with a tower height not exceeding 110 feet.
6. Prior to site plan approval, the applicant shall obtain an official FAA air hazard determination.
7. There shall be no signals or lights or illumination on any antenna, unless required by state or federal authorities, or the County.
8. The antennas shall be flush mounted to the pole in order to minimize the visual impact.
9. A 6-foot chain link fence shall surround the area. The area shall be large enough to allow future shelters to be accommodated.
10. The structure shall be sited within a stand of trees of a minimum 100-foot radius depth.
11. The dual-polarized antennas, the pole and related equipment cabinets shall all be within the size and height limitations specified in the Ordinance.

12. Antennas and pole shall be finished in non-reflective materials of matching color.
13. The equipment cabinet(s) shall also be finished in a neutral, non-reflective material.
14. There shall be no commercial advertising on the site.
15. All ground equipment shall be within a 2,500 square foot fenced and secured area that shall be surrounded by mature woodland and shall be virtually undetectable from public ways or abutting properties.
16. The site shall be located within a heavily treed area offering a minimum wooded area radius depth of 100 feet.
17. The limits of clearing and grading for the entire 55.5-acre parcel shall be indicated on the site plan. To the extent possible, existing mature tree stands shall remain. There shall be no disturbance beyond the indicated limits of clearing and grading. The applicant shall not remove existing trees within 200 feet of the site except as authorized to permit construction of the facility and provide for vehicular access to the site.
18. Prior to the issuance of the Zoning Permit, at least one (1) telecommunications provider shall have an executed lease with the applicant. The owner/applicant shall provide co-location opportunities to other carriers so long as it is technologically possible. The applicant shall provide written documentation to the Fauquier County Zoning Administrator in the event that any future co-location cannot be accomplished.
19. Any antenna or tower shall be disassembled and removed from the site within 90 days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunication towers, fence footers, underground cables and other related equipment/structures. If there are two (2) or more users, then this provision shall not become effective until all users cease using the tower.

#SE03-M-19 – DOUGLAS E. DARLING, OWNER / APPLICANT – CANNON RIDGE SUBDIVISION

A public hearing was held to consider an application to obtain special exception approval under Category 27, which would allow for a decrease in the common open space requirement. The property is located on the southeast side of Routes 55 and 17, in Marshall District, further identified as PIN #6969-47-7043-000 and PIN #6969-47-3414-000. Rick Carr, Director of Community Development, presented a summary of the application. Doug Darling, owner/applicant, requested favorable consideration of the special exception application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes:

Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks

Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SE03-M-19: A CATEGORY 27 SPECIAL EXCEPTION TO ALLOW A REDUCTION IN REQUIRED COMMON OPEN SPACE IN THE CANNON RIDGE SUBDIVISION, DOUGLAS AND SHARON DARLING, APPLICANTS

WHEREAS, the applicants are seeking preliminary plat approval to subdivide approximately 17.7 acres into thirty (30) single-family residential lots; and

WHEREAS, the proposed clustering of these lots requires the provision of common open space equal to fifty percent (50%) of the total land area; and

WHEREAS, pursuant to Section 5-201 of the Zoning Ordinance, the applicants have requested a reduction in common open space requirement from fifty percent (50%) to forty-four percent (44%); and

WHEREAS, on March 13, 2003, the Planning Commission conducted a public hearing on this request; and

WHEREAS, based on public testimony and staff analysis, the Planning Commission has determined that the applicants' request is consistent with the applicable provisions of the Zoning Ordinance; and

WHEREAS, the Planning Commission has further concluded that the proposed reduction of open space to forty-four percent (44%) will not preclude the provision of ample areas for active recreation within the subdivision and has forwarded a recommendation of approval to the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That SE03-M-19, a Category 27 Special Exception to allow a reduction in common open space required for the Cannon Ridge Subdivision, be, and is hereby, approved.

Mr. Atherton then moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE PRELIMINARY PLAT #PP03-M-19
CANNON RIDGE SUBDIVISION PIN #6969-47-7043-000 and PIN #6969-47-3414-
000

DOUGLAS AND SHARON DARLING, OWNERS/APPLICANTS

WHEREAS, Douglas and Sharon Darling, owners/applicants, have filed an application seeking Preliminary Plat approval; and

WHEREAS, the applicants propose to create thirty (30) single family residential lots ranging in size from \pm 10,010 to 35,013 square feet, plus a residue parcel of approximately 8.05 acres, from a 17.7 acre parcel; and

WHEREAS, on March 13, 2003, the Planning Commission approved the Preliminary Plat application for the creation of thirty (30) lots ranging in size from \pm 10,010 to 35,013 square feet, plus a residue parcel of approximately 8.05 acres, from a 17.7 acre parcel, subject to the Conditions of Development as recorded on March 13, 2003; and

WHEREAS, the Board of Supervisors has considered the revised Conditions of Development as proposed by staff; and

WHEREAS, the Board of Supervisors has determined that the application and Conditions of Development satisfies the general standards of the Zoning Ordinance and that the application is in substantial conformance with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the application by Douglas and Sharon Darling for Preliminary Plat approval on Parcel Identification Numbers 6969-47-7043-000 and 6969-47-3414-000 be, and is hereby, approved, subject to the following conditions:

1. The final plat shall be in general conformance with the preliminary subdivision plat entitled "Cannon Ridge" dated February 4, 2003 and received in the Planning Office on February 6, 2003.
2. Prior to final plat and construction plan approval, the applicant shall submit a detailed landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance. This plan shall include a treed buffer along the western edge of the property which shall meet the following requirements:
 - It shall be made up of evergreen trees, each of which shall be a minimum height of six (6) feet at the time of installation.
 - The trees shall be planted in such a manner and configuration as to provide maximum screening at maturity.
 - The trees shall be planted in such a manner and configuration as to have no impact on the function of the proposed stormwater management facility, its associated channels and permanent diversion dikes. In areas

adjacent to the diversion dikes, trees shall be planted to the east of those structures.

- Existing canopy shall not be removed nor negatively impacted to accommodate the installation of the evergreen buffer.
 - Gaps within existing tree stands shall be in-filled with evergreen trees to provide a continuous buffer from the proposed permanent diversion dike to the intersection of the bearings N 27° 41' 01"W and N 89° 01' 42"W.
3. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final working plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
 4. Interpretive information from the Type I soil report for each mapping unit shown on the above plat shall be placed on the same soil map. Information from the *Interpretive Guide to the Soils of Fauquier County, Virginia, 4th Edition—2002* shall be included and the source stated. Also, a Symbols Legend shall be placed on the plat to identify spot symbols. Include all mapping units and soil lines on soil map.
 5. The following statements shall be placed on the final plat:
 - The County recommends that no below grade basements be constructed on soil mapping units 38B and 438B due to wetness, unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer.
 - Foundations placed in Soil Mapping Units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* will require geotechnical evaluation in order to determine proper design."
 6. A signature block shall be placed on the final plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated December 19, 2000.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=???) and certifies that this is the Best Available Soils Information to Date for lots 1-30.

Va. Certified Professional Soil Scientist
CPSS

DATE
#3401-

7. This map, with original CPSS signature, shall be submitted to the County Soil Scientist Office before final plat approval is made.

8. Two signed copies of the final soil map shall be given to the County Soil Scientist Office. One map shall be filed in the front office of Community Development and used exclusively for the public to obtain soils information for this subdivision. One copy shall be filed in the Building Department to be used by the plan reviewer for their use in identifying potential problem soils associated with building permits.
9. The applicant shall provide this soil information to the Building Department at the time of application.
10. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
11. The entrance shall be constructed in accordance with our Minimum Standards of Entrances to State Highways. The entrance shall include 50' tapers. A turn lane may be required.
12. The existing entrance and ingress/egress easement shall be eliminated and the lot accessed from the subdivision street.
13. Road and other construction shall insure drainage water will not rise higher than 18" below the shoulder of proposed or existing public roads. At a minimum, culverts shall be designed to accommodate the following flood frequencies:

Secondary and Subdivision Streets	10-year
Primary and Parkways	25-year

14. All utilities placed within the street right-of-way shall be placed on the outer 3 to 5 feet of the edge of the right-of-way. Manholes shall not be located in the pavement or shoulder of highways. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
15. Trees within rights-of-way shall not be credited towards satisfying Fauquier County's tree canopy ordinance.
16. The SWM/BMP emergency spillway shall discharge into an existing stream or an adequate channel as defined by MS-19. All system upgrades needed to meet the requirements of MS-19 shall be identified and constructed at the applicant's expense.
17. The toe of slope on the embankment or associated disturbed area of the SWM/BMP shall be at least twenty-five (25) feet from the property line.
18. Consideration shall be made for pedestrian connections to adjacent neighborhoods.
19. The proposed SWM/BMP appears to outfall into an existing storm sewer on Main Street. Adequate size and capacity shall be demonstrated prior to final construction plan approval.

20. Prior to final construction plan approval, verification of public sewer and public water service shall be provided.
21. Prior to final construction plan approval, adequate fire flow shall be demonstrated.
22. Easements shall be provided to adjacent properties to the east to allow for utility connections to include public water and public sewer.
23. An access easement to the SWM/BMP facility shall be provided.
24. A maintenance agreement for the SWM/BMP facility shall be recorded prior to final plat approval.
25. The SWM/BMP facility shall be located on a separate lot.
26. Pedestrian lighting, designed to meet all County standards and VDOT requirements, shall be provided. Such lighting shall address pedestrian needs while minimizing impacts to the night sky.
27. All public utilities shall be placed underground, unless it can be demonstrated that it is not feasible to do so.

**#SE03-S-25, CRAIG J. ANDERSON AND NINA K. ANDERSON –
SWEETWATER SUBDIVISION**

A public hearing was held to consider an application to obtain special exception approval under Category 29, which would allow for a waiver of the public street requirement in residential zones. The property is described as Lot 3, Sweetwater Subdivision, in Scott District, further identified as PIN #7915-26-1743-000, PIN #7915-26-0533-000 and PIN #7915-26-3740. The property affected by this Special Exception consists of three residential lots totaling slightly more than four acres. The properties are located at the end of Wintergreen Court (Route 1323) at its intersection with Route 1324. The properties are zoned R-1. No one spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

**A RESOLUTION TO APPROVE SE03-S-25: A CATEGORY 29 SPECIAL
EXCEPTION - WAIVER OF THE PUBLIC STREET REQUIREMENT FOR THE
SWEETWATER SUBDIVISION, CRAIG AND NINA ANDERSON,
OWNERS AND APPLICANTS**

WHEREAS, the applicant is currently required to construct a public road to serve Lots 2, 3, and 4 of the Sweetwater Subdivision; and

WHEREAS, the applicant has proposed significant changes to the subdivision that would mitigate the need for this public road; and

WHEREAS, the proposed changes include a lot line revision to Lot 2 to provide adequate frontage on an existing public road and the elimination of Lot 4 from the subdivision; and

WHEREAS, the applicant has requested that the public street requirement be waived on the grounds that it would serve only Lot 3 in the subdivision and, as such, would not be accepted into the public street system; and

WHEREAS, the applicant has demonstrated that an existing private entrance and drive can adequately serve the single residential lot known as Lot 3; and

WHEREAS, the Special Exception Plat adequately addresses the preservation of existing ingress and egress easements for adjacent property owners; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That SE03-S-25: A Category 29 Special Exception - Waiver of the public street requirement for the Sweetwater Subdivision, is hereby approved subject to the following conditions:

1. The Boundary Line Adjustment plats resulting from the reconfigured Lots 3 and 4 shall have boldly printed thereon and be included as a covenant in each deed for a lot in the subdivision the following statement:

THE PRIVATE STREET IN THIS SUBDIVISION WILL NOT BE PAVED OR MAINTAINED WITH FUNDS OF FAUQUIER COUNTY OR FUNDS ADMINISTERED BY THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION. IN THE EVENT THAT OWNERS OF LOTS IN THE SUBDIVISION SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE STREETS TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR MAINTENANCE, THE COST TO UPGRADE IT TO THE PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OF FAUQUIER COUNTY. PRIVATE STREETS IN THIS SUBDIVISION ARE NOT DEDICATED FOR PUBLIC USE.

2. In accordance with Section 7-305 of the Fauquier County Zoning Ordinance, the applicant must identify on the plat and record an ingress and egress easement for public emergency and maintenance vehicles. Such easements shall be recorded with the instruments, which create the private streets.
3. Pursuant to Subdivision Ordinance Section 7-12, provisions for private street sign maintenance shall be included in the homeowner's/property owner's association documents or street maintenance agreement documents. In addition, the Boundary Line Adjustment plats shall include a statement that street signs for the private street will not be maintained with funds from the County of Fauquier.

4. Neither revised Lot 3 nor 5 shall be further subdivided unless a public street is built to provide frontage as required by Section 2-405 of the Zoning Ordinance.

COMPREHENSIVE PLAN AMENDMENT TO THE WARRENTON SERVICE DISTRICT

A public hearing reconvened from March 17, 2003, in order to give further consideration to a proposed plan amendment affecting a portion of the St. Leonard's Farm (+145 acres) north of Route 211. The Warrenton Wastewater Treatment Plant borders the referenced property to the east, while Old Waterloo and Lower Waterloo Roads are located immediately to the north. The plan amendment extends the service district boundary to include the referenced property that is planned for a +65 acre Town Park, while the balance is designated Low Density Residential (1 dwelling unit / acre). Rick Carr, Director of Community Development, gave a summary of the application. Chris Mothershead, representing the Town of Warrenton, spoke in favor of the application. Alice Haase, representing the Van Royen family, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION INITIATING AN AMENDMENT TO THE WARRENTON SERVICE DISTRICT COMPREHENSIVE PLAN

WHEREAS, St. Leonard's Farm, Inc., is located adjacent and immediately to the west of the Town of Warrenton; and

WHEREAS, St. Leonard's Farm, Inc., with 988 acres presently zoned Rural Agricultural (RA), has current development potential for 49 dwellings; and

WHEREAS, St. Leonard's Farm, Inc., has reached an agreement, dated October 15, 2002, to cluster 41 dwellings of this development potential onto 40 of nearly 80 acres of land; and

WHEREAS, St. Leonard's Farm, Inc., will also convey 65 acres of land adjacent to the existing town boundary to the Town of Warrenton for the purpose of creating a public recreational facility; and

WHEREAS, this agreement depends on the County extending the Warrenton Service District Boundary and rezoning area "A" to an R-1 zoning district prior to May 15, 2003; and

WHEREAS, on March 13, 2003, the Fauquier County Planning Commission conducted a public hearing on this proposed Plan Amendment and has forwarded a recommendation of approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the Board does hereby amend the Comprehensive Plan to allow a westward extension of the Town boundary to encompass a park of some 65 acres to the north of Route 211; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors does hereby extend the Warrenton Service District to encompass some 80 acres of land to the west of the new park, for the purpose of allowing an R-1 cluster of 41 dwellings on one-half of that acreage; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors does hereby permit the extension of public sewer and water lines from the Town of Warrenton to serve the 41 dwellings of this clustered development.

#RZ03-M-09 – ST. LEONARD’S FARM, INC., OWNER / APPLICANT

A public hearing was held to consider an application to rezone approximately eighty (80) acres of a 1,038-acre tract from Rural Agriculture (RA) to Residential-1 (R-1). The property is located on Route 211 at the western limits of the Town of Warrenton, in Marshall District, further identified as PIN #6974-62-2223-000 and PIN #6974-45-6306-000. Rick Carr, Director of Community Development, gave a summary of the application. Chris Mothershead, representing the Town of Warrenton, spoke in favor of the application. Alice Haase, representing the Van Royen family, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE APPROVING RZ03-M-09, THE REZONING OF APPROXIMATELY 80 ACRES, IDENTIFIED AS PIN #6974-45-6306-000 AND A PORTION OF PIN #6974-62-2223-000, FROM R-A TO R-1; ST. LEONARD’S FARM, INC., OWNER AND APPLICANT

WHEREAS, the applicant owns approximately 1,000 acres known as St. Leonard’s Farm; and

WHEREAS, the current zoning will allow the development of up to 49 building lots on this property as a by-right use; and

WHEREAS, the applicant has proposed to cluster the development of 41 of these by-right lots on the subject property which consists of approximately 80 acres; and

WHEREAS, this proposed clustering will be done in a way that will preserve the majority of St. Leonard's Farm under a permanent open space easement conveyed to the Virginia Outdoors Foundation; and

WHEREAS, the proposed clustering of development requires the rezoning of the subject property from the RA to the R-1 zoning district; and

WHEREAS, the creation of the permanent open space easement and other proffered conditions are stipulated in the applicant's signed Proffer Statement and are subject to the proposed rezoning; and

WHEREAS, on March 13, 2003, the Fauquier County Planning Commission conducted a public hearing on this proposed rezoning and has forwarded a recommendation of approval; and

WHEREAS, the proposed rezoning and Proffer Statement are consistent with the land use and development objectives of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of April 2003, That RZ03-M-09, the rezoning of approximately 80 acres, further identified as PIN #6974-45-6306-000 and a portion of PIN #6974-62-2223-000, from R-A to R-1, St. Leonard's Farm, Inc., owner and applicant, be, and is hereby, approved subject to the proffered conditions.

#RZ03-L-02 – WILLIAM F. AND LEWIS N. SPRINGER AND DELORISE GORDON, OWNERS, AND ROBERT N. SPRINGER, APPLICANT – FOX MEADOWS

A public hearing was held to consider an application to rezone approximately 90 acres from Rural Agricultural (RA) to Residential-4 (R-4). The property is located on the northwest side of Route 28 south of Oak Shade Road (Route 661), in Lee District, further identified as PIN #6889-54-9393-000, PIN #6889-74-0648-000, and PIN #6889-75-2303-000. Rick Carr, Director of Community Development, gave a summary of the application. Bob Springer, applicant, requested the Board favorably consider the application. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE APPROVING RZ 03-L-02, THE REZONING OF 90 ACRES FROM AGRICULTURAL (RA) TO RESIDENTIAL, 4 DWELLING UNITS/ACRE (R-4)
WILLIAM F. AND LEWIS N. SPRINGER, AND DELORISE GORDON, OWNERS,
AND ROBERT N. SPRINGER, APPLICANT

WHEREAS, the applicant has requested the rezoning of the property identified by PINs: 6889-54-9393-000, 6889-7474-0648-000, and 6889-75-2303-000 from RA to R-4; and

WHEREAS, the Planning Commission has conducted a public hearing on this request; and

WHEREAS, based on public testimony and staff analysis, the Planning Commission determined that the proposed rezoning is consistent with and responsive to the updated Comprehensive Plan for the Bealeton Service District; and

WHEREAS, the applicant has included with this rezoning request a Proffer Statement that is responsive to the Board of Supervisors' adopted proffer policy; and

WHEREAS, the Planning Commission has forwarded a recommendation to the Board of Supervisors for approval of this rezoning request, subject to the proffered conditions; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of April 2003, That RZ03-L-02, the rezoning of 90 acres from RA to R-4, be, and is hereby, approved.

PROPOSED UTILITY EASEMENT

A public hearing was held to consider a proposed grant of a 15' utility easement to the Northern Virginia Electric Cooperative over property identified as PIN #7915-64-9304-000 for purposes of providing electricity to the Vint Hill Pool Complex, located in Cedar Run Magisterial District. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO GRANT A 15' WIDE UTILITY EASEMENT TO NORTHERN VIRGINIA ELECTRIC COOPERATIVE ON AND ACROSS PIN #7915-64-9304-000 FOR PURPOSES OF PROVIDING ELECTRICITY TO THE VINT HILL SWIMMING POOL

WHEREAS, Fauquier County is constructing a swimming pool on County-owned property at Vint Hill, said property being more particularly described as PIN #7915-64-9304-000; and

WHEREAS, said swimming pool needs electricity and Northern Virginia Electric Cooperative (NOVEC) is willing to provide the electricity upon the grant of a 15' wide utility easement; and

WHEREAS, after due notice and public hearing, the Board of Supervisors has determined that the grant of the proposed easement is in the best interest of the citizens of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 2003, That the Chairman of the Board be, and is hereby, authorized to execute the 15' wide utility easement to NOVEC, providing that such easement is in form and content as approved by the office of the County Attorney.

There being no further business, the meeting was adjourned.

I hereby certify that this true and exact record of actions taken by the Fauquier County Board of Supervisors on April 21, 2003.

A Copy Teste

*G. Robert Lee
Clerk*